

September 25, 2008

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Brian Newman  
CA Regional Water Quality Control Board, Central Valley Region  
11020 Sun Center Drive #200  
Sacramento, Ca 95670-6114

Dear Mr. Newman,

I am writing to submit comments regarding our meeting scheduled for October 23 or 24, 2008. According to Aqua Science's geologist as stated in their letter dated November 5, 2004(see attachment H1-H2), "the MTBE concentrations detected off-site are too low to allow for effective remediation." There fore our intent is to continue using the EAR account to monitor wells, maintain filtration systems and test for MTBE. We intend to fully reimburse the EAR account with profits from the sell of the property. However, if money is not spent wisely, there will not be enough to cover this debt. Up to this point I feel that there has been a lot of unnecessary spending and duplication of documents

In your correspondence, it was stated that I had or my attorney had "cancelled numerous meetings." To my knowledge, I have not cancelled a meeting and when I was unable to attend I sent representation in the form of my son and my project manager. In fact, our meeting scheduled for December 6, 2007 was cancelled on December 3, 2007 by your office. Since then and until now, I have not received any further information regarding this meeting.

I'd also just like to clarify that I was asked to participate in the EAR program July 24, 2003, with expected spending projected at \$200, 000(see attachment A1-A2). Mr. Thompson, my project manager, replied with a letter dated July 31, 2003(see attachment A3-A5), stating that we would like to personally pay for expenses incurred until our funds were depleted. The state clean-up fund ran out on August 31, 2003. From August 31, 2003 through February 28, 2005, I spent \$162,428(see attachment A6-A7) in clean -up efforts, as well as paying Thompson Consultations for eight years to manage the project. I was very concerned for the health of the residents, which is why in conjunction with paying for clean up efforts; I also provided bottled water to these residents until water tanks were delivered. I did however run out of money to personally complete the project myself. I never tried to get out of doing what was right, but was just financially unable to do it.

I am attaching a letter from my attorney Arthur Barnes dated October 31, 2007(see attachment B1-B8). This letter was prepared for the December 6, 2007 meeting which was cancelled. I would like this letter to be submitted for review for the upcoming meeting.

In keeping with our uniform concern for the people and their health, I would like to address again the presence of bacteria in the well water. I would like to resubmit my letters dated March 2, 2007 and November 19, 2007 and attach the pertinent testing results (see attachments D, D1-D3, F1-F2). I would also like to include your letter dated January 1, 2008,

with your sampling data attached (see attachment C, C1-C10). Both of these reports concur that the wells tested were clearly above standard on bacteria and nitrates. Due to our concern for the public, have the residents been notified that their drinking water was substandard, not due to MTBE, but due to bacteria and nitrates? Furthermore, have you tested for bacteria and nitrates after filtration? Our findings from FGL shows that bacteria drastically increases once filtered through carbon (see attachment G1-G4). Are you concerned about using a carbon filter on wells that have high levels of bacteria, which can actually be bred during carbon filtration? Have you continued to test these wells for bacteria and nitrates? I have not received any further data on such testing. I would like to bring to your attention that currently, after filtration, zero wells are out of compliance for MTBE.

In conclusion, our intent is to continue using the EAR account to continue monitoring wells, maintaining filtration systems and test for MTBE. Any other action beyond this would be an unnecessary appropriation of funds which myself or the State of California do not have. When Mr. Jerry Sassy, the Project Manager for Aqua Science Engineers, was heading up the project, he repeatedly told me that they were forced to do things that were unnecessary and large amounts of money were spent unjustifiably. To date, approximately 2 million dollars has been spent on this project. I feel that had this project been managed differently, there would have been enough money to complete this project and it would have been completed in a timelier manner.

Thank you for taking time to review my comments. Please take time to read each attachment as well. I look forward to our October meeting and coming closer to completion of this project. Should you need any further information, please contact me at (209) 518-3794.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank Guinta, Jr.", written in dark ink.

Frank Guinta, Jr.

Cc: James Barton  
Pamela Creedon  
Kenneth Landau  
David Boyers  
Lori Okun



Winston H. Hickox  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

## Division of Financial Assistance

1001 I Street • Sacramento, California 95814  
P.O. Box 944212 • Sacramento, California • 94244-2120  
(916) 341-5716 • FAX (916) 341-5806 • [www.swrcb.ca.gov/cwphome/ustcf](http://www.swrcb.ca.gov/cwphome/ustcf)



Gray Davis  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.  
For a list of simple ways you can reduce demand and cut your energy costs, see our website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov)*

CERTIFIED MAIL 7000 0520 0023 5273 4617

JUL 24 2003  
Frank Guinta  
Guinta Enterprises  
305 North Union Road  
Manteca, CA 95337

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CVRWQCB  
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Dear Mr. Guinta:

RE: **EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT  
NOTICE OF REIMBURSEMENT RESPONSIBILITY**  
**SITE NAME: FRANK'S ONE STOP**  
**SITE ADDRESS: 2072 WEST YOSEMITE AVE., MANTECA, CA**  
**EAR NUMBER: R03-085**

You are hereby notified that:

- 1) San Joaquin County Environmental Health Department has been authorized, pursuant to the California Health and Safety Code (H&SC), Division 20, Chapter 6.75, Article 4, § 25299.36 and 25299.37, to spend up to \$200,000.00 for investigation and remediation of petroleum contaminated soils and/or groundwater caused by leaking underground storage tanks (USTs) located at the subject site.
- 2) The EAR Account was established pursuant to H&SC, Chapter 6.75, Article 6, § 25299.51 and 25299.53 which authorizes the State Water Resources Control Board (SWRCB) to provide funds to Regional Water Quality Control Boards (RBs) and local agencies for direct site cleanup when a tank owner or operator fails or refuses to take the required corrective action in response to a Directive or Final Order for corrective action work.
- 3) The SWRCB is authorized, pursuant to H&SC, Chapter 6.75, Article 7, § 25299.70 through 25299.75, to recover any costs incurred from the owner or operator of the UST which released the petroleum and which is the subject of these costs or from any other responsible party (RP). Costs may include: corrective action costs; costs incurred for RB and/or local agency staff time; contracting costs; and costs incurred by the State Attorney General's Office for pursuing cost recovery.
- 4) You have been identified as an owner and/or operator of the USTs, which are the subject of the incurred costs or have been named as the RP for this site. For purposes of cost recovery, all RPs may be held jointly and severally liable for corrective action costs sought herein. This means that the SWRCB may collect the entire amount due from any one RP or from

Frank Guinta

- 2 -

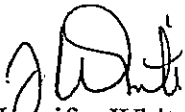
several RPs. Additional RPs for this site are named below. You may wish to negotiate with the other RPs to allocate the costs.

5) NAMES AND ADDRESSES OF ADDITIONAL RPs:

- 6) Once EAR Account funds are expended, owners and operators lose their eligibility to participate in the Underground Storage Tank Cleanup Fund (Fund) Program, pursuant to H&SC, Chapter 6.75, Article 6, § 25299.54 (d). The Fund reimburses eligible tank owners and operators for their UST cleanup costs. If you want to find out about your potential eligibility, please contact Ms. Diana Romero at (916) 341-5766.
- 7) You will receive an invoice, itemizing all costs incurred, once the required corrective action has been completed. The liability of an owner or operator shall be the full and total costs incurred. The SWRCB is authorized to place a lien on the property for all costs incurred, and may also refer cases to the Attorney General's Office for cost recovery.

If you have any questions, please contact me at (916) 341-5716.

Sincerely,



Jennifer White  
EAR Account Contract Manager  
UST Cleanup Fund

cc: Laurie Cotulla  
San Joaquin Environmental Health Department  
304 East Weber  
Stockton, CA 95202



1041 N. Main Street

PMB 220

Manteca, Ca. 95836

(209) 610-3524

July 31, 2003

**STATE WATER RESOURCES CONTROL BOARD**  
**Division of Financial Assistance**  
**1001 I Street**  
**Sacramento Ca. 95814**

**Atten Jennifer White**  
EAR Account Contract Manager  
UST Cleanup Fund

RE: EAR-R03-085

Dear Ms White,

First let me thank you for returning my call and for your patience and courtesy during that call.

I write this letter to confirm our telephone conversation of July 30, 2003 with regards to your letter dated July 24, 2003, and to send you the copy of the Notification of Regulatory Lead Change that I promised you.

I indicated to you that I feel that FRANK'S ONE STOP, located at 2072 West Yosemite Ave., Manteca, Ca. is not an appropriate situation for imposition of an Emergency, Abandoned, Recalcitrant (EAR) Account.

The site is not an emergency in that there is no current discharge. The discharge that is being cleaned-up occurred on or before May 2, 1992. The health concerns are being mitigated with the use of wellhead treatment consisting of activated carbon (GAC) units connected inline between the well and the residence. As you will see from the history below and by reference to Fund records, Claim No. 012522 neither the site nor the cleanup is abandoned. And although there have been difference with the lead agency in the past as to the appropriateness of some of the requirements and what constituted the most

judicious use of State Cleanup Funds, the volume of work and the remediation that has taken place at the site, it can not be fairly said that we are recalcitrant. Further you were not informed of the transfer in lead agency that occurred in March of 2003.

A brief history maybe helpful.

In November of 1996, Mr. Frank Guinta purchased the property at a public foreclosure sale from Mr. James Ramsey and Mrs. Marilyn Ramsey.

In February 1995 and prior to Mr. Guinta's purchase of the site, Bank of Stockton hired a consultant to conduct an investigation of the site found indications of a gasoline release. Additional borings were made between April of 1997 and May 1998 confirming the presences of TPHg, diesel (as TPHd), benzene, ethyl benzene, toluene, xylenes, and fuel oxygenates including MtBE and TBA.

In June 1998, Guinta hired Remedy Construction to remove two 10,000-gallon diesel USTs and four 10,000-gallon gasoline USTs from the site.

In April of 1999, Guinta retained the services of Aqua Science Engineers, Inc. to proceed with the site clean up. By December 1999, forty-six drinking water wells were identified within a half-mile of the site. In July August and September 2000, groundwater from thirty-eight domestic and two irrigation wells were sampled. Analytical results revealed that MtBE well had impacted ten domestic and one irrigation well. Upon learning of these test results Mr. Guinta, on his own, began immediately began delivering, personally, bottled water to the affected neighbors.

In August 2000, both a groundwater extraction well and one air sparge well were installed to conduct a pilot stud for the feasibility of using these technologies at the Site. In September 2000, one additional extraction well was installed; three piezometers were converted to extraction wells and the groundwater "pump and treat" system began operating at the Site as an interim remedial action.

In September 2000, the affected domestic wells were disconnected from the residences. Temporary bulk water supply tanks were installed at each home and Mr. Guinta initiated water delivery. In January 2002, the bulk water supply tanks were replaced by wellhead treatment systems consisting of two granulated activated carbon (GAC) units connected inline between the well and the residence.

In February 2002, pursuant to an approved Remediation Action Pan (RAP), the ground water extraction system was turned off, in conjunction with the startup of a Soil Vapor Extraction / Air Sparge (SVE/AS) System.

In January 2003, the SVE/AS System was turned off to allow the site to "heal". The system was turned back on in April 2003 and continues to operate to date.

On March 20, 2003 California Regional Water Quality Control Board notified Frank Guinta that it had taken regulator lead from San Joaquin County Environmental Health Department. The Board is currently preparing a Cleanup and Abatement Order. The Board has made the finding that more than 95% of the Fund money has been spent, making it necessary an order necessary to assure cleanup of the groundwater and judicious use of the remaining funds.

This site has been a part of the State Water Resources Control Board, Division of Clean Water Programs, Underground Storage Tank Cleanup Fund (The Fund) since 1998. It is claim number 012522.

It is my understanding that you are setting aside the establishment of an EAR Account at this time.

Should it become necessary at some time in the future for you to again initiate the EAR Activity, I would appreciate copies of any directive or final order for corrective action work which we would have failed or refused to take action upon. Further I would note to you that I believe that California Health and Safety Code (H&SC), Division 20, Chapter 6.75 Article 4, Section 25299.37 no longer exists.

Again, I thank you for your courtesies and the pleasant tone of our conversation.

Should you have any further questions, please do not hesitate to contact me at (209) 610-3524.

Respectfully,

Don Thompson  
Project Manager

## INVOICES TO FRANK GUINTA

Date	INVOICE NUMBER	AMOUNT
31/03	8043	\$5,993.56
	8083	\$5,751.27
	8117	\$6,187.17
	8161	\$5,769.92
	8192	\$1,610.90
	8237	\$1,054.80
	8239	\$722.40
	8238	\$722.40
	8240	\$722.40
	8291	\$2,411.95
	8282	\$722.40
	8288	\$289.20
	8284	\$722.40
	8283	\$2,186.40
	8287	\$289.20
	8286	\$289.20
	8285	\$289.20
	8354	\$10,239.65
	8385	\$4,784.40
	8386	\$289.20
	8421	\$11,712.00
	8423	\$1,192.80
	8424	\$1,338.00
	8425	\$1,338.00
	8426	\$722.40
	8453	\$4,521.60
	8498	\$3,196.80
	8527	\$3,686.65
	8603	\$12,192.20
	8601	\$3,234.00
	8602	\$12,530.00
31/04	8644	\$532.40
		<hr/> \$107,244.87



A-7

INVOICES TO JIM BARTON (RWQCB)		
Date	<u>INVOICE NUMBER</u>	<u>AMOUNT</u>
12/1/05	8693	\$2,354.15
	8771	\$3,456.44
	8792	\$5,380.50
	8902	\$3,054.00
	8992	\$9,288.20
	9067	\$3,226.40
	9097	\$6,692.88
	9172	\$5,380.50
	9002	\$2,433.50
	9272	\$3,727.80
	9368	\$2,185.50
	9372	\$8,003.50
		<hr/>
		\$55,183.37

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**ARTHUR L. BARNES**  
ATTORNEY AT LAW  
243-A N. Maple Ave.  
Manteca, CA 95336  
(209) 825-8157

October 31, 2007

**CALIFORNIA REGIONAL WATER QUALITY CONTROL**  
**Central Valley Region**  
**Attention: Pamela Credon, Executive Officer**  
**11020 Sun Center Drive, #200**  
**Sacramento, CA 95812-0100**

**Re: CLEANUP AND ABATEMENT ORDER FOR FRANK AND  
SHARRI GUINTA AND JAMES AND MARILYN RAMSEY  
FOR 2072 WEST YOSEMITE AVENUE, MANTECA, SAN  
JOAQUIN COUNTY - December public hearing**

**Dear Board:**

Please be advised that I am representing Mr. Frank Guinta in regards to the above referenced matter as it relates to the upcoming schedule hearing of early December. Therefore, I am taking the liberty on Mr. Guinta's behalf to list some of his written submissions that Mr. Guinta would like the Regional Board to take into consideration at the hearing in question. Therefore, please accept this letter as such submissions along with the necessary exhibits in support thereof.

The submissions are as follows as to current CAO and request for modification thereof and The Board should deny the proposed Remediation Plan :

a) The present cleanup and abatement order (CAO) needs to be modified to reflect the current conditions of the ground contamination based upon the most current testing of the wells in question. The most current monitoring tests show, and have shown for some time by previous tests, no MTBE above guidelines for all but four (4) treated domestic wells, the lowest to highest of 36 to 45ppb concentrations. The non-treated systems sites are all well under guidelines with most below <.05 ppb. It should be noted that no on-site tests have shown any above guideline amounts for quite some time. I attached the January 12<sup>th</sup>, 2007 Domestic Well Analytical Results from Aqua Science (ASE) for reference; the actual test were completed and or conducted on November 28, 2006. Also, attached is the Isoconcentration contour map for MTBE in groundwater (Figure 3) prepared by Aqua Science Engineers (ASE), showing the three (3) domestic wells with the MTBE above guidelines and the other wells and test locations for your information.

On June 25<sup>th</sup> and June 27<sup>th</sup>, 2007, almost another year later from the Aqua Science Engineers last report of testing, URS Group, Inc. had BlaineTech Services, Inc. do additional testing of the domestic wells. The samples obtained by URS Group, Inc. were submitted to Curtis & Thompkins Laboratories in Berkeley, CA for analyzation. With just a couple of exceptions the concentrations were generally consistent with the previous sampling. I attach page 5 and 6 of the URS report under Groundwater Monitoring Results for your information.

The conclusion of URS's report, page 5 and 6, and also the attached Figure 3 of URS's monitoring results are attached as well. As can be seen from their report (all parties have the full report), MTBE on all monitoring sites were below the secondary 5.0ppb with the exception of Monitoring Well MW-16 (off site). Further, the above secondary sites were just four (4) domestic wells; 17821, 17926; 1933, & 17950, respectively. As noted by URS those wells were as follows:

17821	38	
17926	16	
17933	7.2	
17950	43	and, the prior test of those particular wells (see ASE Domestic Well Report above) as follows:

17821	36	
17926	42	
17933	2.7	
17950	43	so, as to the above four wells, which are above the secondary limits, two went down. The exception is 17933 which went up only slightly from 2.7 to 7.2. The last one was almost the same (17821 with 38 & 36 respectfully).

Therefore, a careful look at the history of the testing of the monitoring wells conclusively indicates a clearly defined reduction in concentrations with only three left with any real significant accumulations to monitor. In light of the history of the testing of the site, both on site and off, the request and recommendation to install additional groundwater monitoring wells to define the lateral and vertical impacted groundwater as stated on page 6 of URS's report seems a waste of resources and unnecessary expense which will probably not result in any more useful information and or that will help alleviate the last areas of concern. Also, in the near past, your agency (Regional) agreed with Mr. Guinta that full monitoring each quarter of each well was not necessary any longer; please see letter of James Barton attached hereto. Although the consideration of Mr. Barton was well appreciated and did help the expense, other current monitoring needs to be further reduced. Finding the so-called "plume" which I believe is the purpose of your lateral and vertical proposed additional test drilling will not likely produce any valid remedial information. Given enough time, the last of the small concentrations will likely restore themselves to safe levels without the necessity of further remedial events.

As you know, the small amount of deviation shown in the recent test results is normal and

will continue to drop as time goes by and nature takes its course. Therefore, Mr. Guinta's position is that monitoring the four out of limit wells outlined above is prudent along with three or four other random testing of the off site wells within the circled area of ASA's Isoconcentration Contour Map. Random sampling of those off-site water wells within the above reference circle of influence would insure that the concentrations are stable and diminishing as expected. Of course, for the safety of the public the filtration of the wells that showed in the latest report, above levels should be continued which insure the public safety. The 2003 CAO should be modified to reflect the above reductions of monitoring based upon your own engineers

findings, not to mention Mr. Guinta's approved engineers as well. I also attach, for your information, a letter from ASE to James Barton dated November 5, 2004 which states on page two (2), among other things, that (d) "...the MTBE concentrations detected off-site are too low to allow for effective remediableness". Additionally, a letter dated September 1, 2004 from your agency states the that MTBE groundwater plume is declining is attached hereto as well.

The submissions are as follows as to current CAO and request for modification thereof The Board should deny the proposed Remediation Plan:

b) Cooperation with your agency from Mr. Guinta has been a long standing. As late as your letter of November 16, 2004, where you indicated progress was made, and as early as the beginning of Mr. Guinta's ownership of the property in 1996 where Mr. Guinta voluntarily began the clean up of the premises, Mr. Guinta has continued to work in a cooperative nature trying to solve this issue with the best of demeanor. In fact, the entire file concerning this matter, which is extensive, outlines a continued effort on Mr. Guinta's behalf to cooperate and expend any and all his resources available to him to solve this safety issue and or safety concerns of all parties hereto.

Paramount to Mr. Guinta has been, and is, the public safety of his neighbors and friends, not to mention to his community and his continued belief in law and moral code. Mr. Guinta takes pride in his values to his country, its citizens, his family, and takes the responsibility of this matter personally. Mr. Guinta has never intentionally failed to obey any order or request from your agency if it was in his power to comply. The uncooperative allegations of present were commenced after Mr. Guinta ran out of money to expend on the subject project, somewhere in latter 2004. In 2005 and in 2006, Mr. Guinta wrote two letters to your agency outlining the fact that he was out of funds to continue although he regretted that fact. I attach the letters of January 31, 2005 and January 25, 2006 to your agency showing Mr. Guinta expressed in writing to your agency that he was out of funds and could do no more. Purposefully not cooperating with your agency is simply not founded, has no merit, and should be declared by your agency as not an issue. Lack of money to continue should not be held against Mr. Guinta, but in fact, be a consideration of yours as to ceasing any further threats of civil penalties and thereby work with Mr. Guinta to finalize this matter through the EAR account; which, as you know, will be paid when the property is totally cleared and can be sold to Mr. Kim who holds the contract to buy it when the cleanup is completed. Mr. Guinta also has attached invoices from ASE in the amount

of \$107,244.87 for monitoring and testing until invoices were billed to your agency under the EAR account (please see attachment herein). Further, Mr. Guinta paid for consultants during the course and scope of this plan and delivered bottled water to the well owners for a long time; until the filters were placed on the wells insuring their water safety. Consequently, running out of money should not be considered lack of cooperation by your agency. Please understand that Mr. Guinta is not cavalier about this matter, he just cannot participate any longer financially. Of course, anything that Mr. Guinta can do besides adding current financial support he will continue to do and all your agency has to do is ask.

The submissions are as follows as to current CAO and request for modification thereof The Board should deny the proposed Remediation Plan:

c) Mr. Guinta, as stated above, is financially insolvent at the present time. Mr. Guinta has expressed his financial conditions in many letters to your agency, at telephone conversations with your agencies agents, at more than one hearing on the matter as well. All of which are of record in your file on this matter and the testimony, letters, notes of field agents, and otherwise, are hereby submitted by Mr. Guinta as additional submissions; although in proxies since you have those records in your file and Mr. Guinta does not. Mr. Guinta feels that your agency has simply disregarded his financial situation as either not relevant and or that your agency and its agents believe they have no merit. As to both, the former and the latter, it could not be further from the truth. Mr. Guinta has only one principle asset, the site of this cleanup, the gas station and lot known as Franks One Stop. In that regard, and, as you know, Mr. Guinta contracted to sell that property some time ago to Mr. Kim, that amount was negotiated and cannot now be changed. The only stipulation for transfer is that the site be cleaned up wherein there is a clearance given by your agency so that financing could be obtained by Mr. Kim and the transaction thereby completed. In that further regard, the contract calls for lease payments until the time of clearance and subsequent escrow completion with a large part of the lease payment going towards the actual contract price of the premises. Therefore, each and every month that continues until this matter is resolved, equity is being lost by Mr. Guinta. However, even in this depressed state of real property values, where equity values are declining, Mr. Guinta still maintains a cushion of about \$300,000.00 to \$400, 000.00 in possible equities if there was a clearance given to him and the transaction could be completed with Mr. Kim shortly. As stated, each and every month that the matter is still under the "so-called" clean up and abatement the above referenced equity positions change to the down side for Mr. Guinta. Also, as stated, this is the only real asset of Mr. Guinta with any equity of any genuine value and that is why Mr. Guinta has on so many occasions asked your agency to use the monies of the state carefully; he has asked your agency to use the EAR account, finalize the matter, and when the property sells to Mr. Kim (once a clearance is obtained), any and all EAR account liens will be paid back and paid back in full. Surely, placing a civil penalty, as has been proposed on several occasions, would just result in such penalty being partially paid back if at all. After the exhausting of several years of additional "plume" drilling and monitoring as suggested in your latest request, just as likely if not more conceivable, the EAR account would be deficient at the end of this matter as well. Doubtless, it can be seen as a no win situation, where everyone loses,

the state, the county, Mr. Guinta, etc. Frankly, the idea, if there is one, that placing liens on the property to infinity and or in perpetuity will at sometime be paid by someone willing to buy the property is speculation at best. Not very possible and not very likely probable either, and would likely cause litigation between Mr. Kim, Mr. Guinta, and your agency in the future. Another no win situation which warrants careful consideration as to the avenue your agency takes in the near future as to present requirements and to any possible finalization prerequisites of this matter in the future.

So, as you can see, the recent requirements and or request for additional orders and or requirements of lateral and vertical indications of the "plume" are just going to continue the downward spiral of equities resulting in a loss to all parties and your agency alike. Added, it is Mr. Guinta's understanding that the co-dischargers (the Ramsey's and otherwise) are likewise insolvent and could not help pay back the state for the additional proposed drilling and monitoring sites; not to mention some type of future remedial effort if there is one once the "plume" is actually physically located. As stated, no remedial remedies by your engineers and or Mr. Guinta's are actually guaranteeing a positive remedial result even if the "plume" was located by vast expended resources of the state, the parties, or otherwise. Therefore, the current orders in effect need to be modified as outlined above in this submission to a few already existing wells at random around the suspected "plume" area and plus monitor the current wells above the legal limits of MTBE, etc, for safety of the public of course. If that approach is taken by your agency the state could be guaranteed to be paid back 100% of the EAR account expended for those services. If the concentrations continue to subside, as is expected by all the engineer's reports in your file, the finalization plan could be as basic as removing monitoring to all but the actual wells above limits with filters on them until they fall below the legal levels at which point they would be removed and the matter closed. Please note that when the EAR account was first proposed by your agency by letter of July 24<sup>th</sup>, 2003, Mr. Guinta respectfully declined and asked you not to take that approach because he wanted to continue using his assets he had at the time. His consultant wrote a letter stating as such and suggested it might be useful and or necessary in the future.

As stated, Mr. Guinta request that the EAR account be used now rationally and reasonable because he has expended any and all assets available to him to continue without the help of the account. Mr. Guinta attaches your letter dated July 24, 2003 and the letter from his consultant dated July 31, 2003 for reference and consideration. This approach not only is rational but will provide the best possible outcome to all parties and most importantly would insure healthy water to the wells of the few parties still experiencing polluted water. The state will have the off-site ground in compliance with their regulations, will be paid back all expenditures, the parties can finalize their agreements, etc.; a true win-win situation. The only real loser will be Mr. Guinta because of his declining equity position after paying back the EAR account. But as previously touched upon, Mr. Guinta feels that is a small price to pay for the finalization of this matter that has been so long now endured by him and to his neighbors.

Returning to the issue of Mr. Guinta's insolvency, which has been in skepticism by your

agency, Mr. Guinta's other assets, his small café and catering business in Manteca, CA, nets about \$17,000.00 per year. After dividing that number by his hours at work Mr. Guinta is paid about minimum wage at his small business enterprise. Hardly an amount associated with a charge sufficient to make a dent in the requirement of this project as outlined by your latest endeavors and the past history of the expense of the project. Mr. Guinta has informed your agency before that you may review his records, and you are welcome to review the books and his tax records for such verification now as well. Mr. Guinta elects not to place them here as an attachment for obvious reasons, but your agency may review them upon request at any time. The small business of Mr. Guinta is due to his small positive net income, results in a value of little consequence in the aggregate amounts of proposed expenditures of this matter. It could not be sold for several reasons, and if it could be sold, the value would be so small it could not be expected to help in any real meaningful way towards a payback of liens, penalties, and the like which are currently being ordered and or considered by your agency. Mr. Guinta has no retirement accounts, no pensions except for future Social Security benefits, just a small equity in his personal residence, etc. The other assets of his are just three small payment notes of about \$900.00 per month which are declining in value as the notes thereon amortize downward. If you add the \$17,000.00 per year with the \$900.00 per month of these three small notes, he has a monthly income of approximately \$2,100.00 per month; which is before taxes. Additionally, Mr. Guinta has a income from the present lease with Mr. Kim of the One Stop, which after payment to the bank on the loan, gives him about \$4,600.00 total to live on. His expenses for his medical insurance alone is over \$1,000.00 per month; which must be maintained at all cost due to his failing health issues. I bring all this out because of the lack of consideration that Mr. Guinta feels your agency has expressed in the past, both articulated and implied, as to his financial conditions. Mr. Guinta requests your agency to take into consideration his financial condition in finalization of this matter and as to the current orders in place as well, which by this submission are being requested to be modified to reflect a more proportion approach for all concerned. Further, as you know, Mr. Guinta and Sharri Guinta are divorced. Last year Mr. Guinta turned over records indicating that Mrs. Guinta had no money to speak of either. Therefore, Mrs. Guinta as a co-discharger cannot help alleviate the vast expense associated with the current orders and requested adjustments by your agency. Mrs. Guinta is a wage earner making approximately \$34,000.00 per year gross. Just enough to sustain her in some form of pleasantries of our modern society. Therefore, lawful consideration of the income and relative net equities of the parties should be considered as a factor in any decision you make as to future remedial and monitoring events. Clearly, the law does not want, demand or even ask that parties become abject destitute to resolve an discharge issue that has been essentially taken care of and with a little assistance from nature and some season will be taken care of.

It should be also noted, and has been discussed with your agency prior to this submission, that the City of Manteca has already placed an activated city water line way past Airport Way on West Yosemite Avenue and now has an additional water line north of Yosemite on Airport at 100 feet to date. There are plans to continue the line north on Airport, which will besiege the "plume", thereby allowing all persons associated with this matter the right to have city water in the near future. There is already a line available at Crom and North Airport Streets. The City of

Manteca is waiting for the area to be developed, and as a condition of that development, the City of Manteca will require the line to be connected by the developers from the Crom and Airport Street intersection to the line ending at 100 feet from the north of Yosemite on Airport, thereby connecting the entire area of concern to public water. Center Street is also on the agenda to be connected with North Airport, which will add additional public water in the area, completely engulfing the "plume" area as well. All of this can be verified by the General Plan and the City of Manteca. This information has been stated to your agency in past in previous letters and your agency is aware of it. Basically, the entire area involved herein in the "Plume" area is planned to be developed, and as a result of said future development, have city water available for the lots in the area to hook up to public water if they so choose to do so. Conclusively then, it is just a matter of time wherein the entire area is either now annexed into the city or will be annexed into the city and city water available. In fact, the corner of northwest Airport and Yosemite Avenues has already been annexed into the City of Manteca. To continue, as your agency has proposed, with new "plume" finding, drilling and monitoring additional wells, etc., will not result in a long term solution to safe drinking water because the City of Manteca will have solved it (in all probability) in advance. You should realize that locally the City of Manteca is hurriedly being developed and the development is accelerated especially in that area.

As time is of the essence to submit Mr. Guinta's submissions with the attachments, other documents and attachments will be forthcoming and be provided at the hearing. Mr. Guinta will state good cause to add additional information to your agency for consideration at the hearing. Mr. Guinta reserves the right to add additional information, testimony, objections, and as otherwise, for the protection of his rights so that due process is given to him which is his protected right. In that regard, Mr. Guinta asserts and claims the agencies entire file as supporting his contention that the current order(s) need to be modified to a realistic cost effective approach. That financial conditions of the parties, equities in the premises in question, cost of diminishing returns, and remedial approaches should be pragmatic based upon realities of both physics and of realistic financial abilities of the parties..

In summation of Mr. Guinta's written submissions, Mr. Guinta prays this learned and accomplished agency, that the present orders and conditions need to be modified as outlined and that an adopted path of consideration of rational cost expenditures based upon clearly defined balanced expected remedial results should be implemented in its stead, which will result in a finalization of the matter with all costs paid with further hardship to all parties hereto mitigated, including the state.

For all of the above reasons I respectfully submit on behalf of Mr. Guinta all of the foregoing.

Regards,



Arthur L. Barnes



Attorney for Frank Guinta

ALB/mrt

Enc. Per body of letter

cc: Lori Okun, Esq. (one copy); Den Landau, (one copy); David Boyers, Esq. (one copy);  
Ms. Shari Guinta (one copy); Mr. James and Marilyn Ramsey (one copy); Karan  
Lanfranchi-Rizzardi (nine copies); Mr. James Barton (one copy); Mr. Frank Guinta  
(one copy)



# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



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Linda S. Adams  
Secretary for  
Environmental  
Protection

Sacramento Main Office  
11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

8 January 2008

Mr. James Ramsey  
Ms. Marilyn Ramsey  
P.O. Box 544  
Mountain Ranch, CA 95246

Ms. Shari Guinta  
690 Tabor Drive  
Scotts Valley, CA 95066

Mr. Frank Guinta  
Guinta Enterprises  
305 North Union Road  
Manteca, CA 95336

## RECENT DOMESTIC SUPPLY WELL GROUNDWATER SAMPLING RESULTS

On 10 and 11 December 2007, the California Regional Water Quality Control Board – Central Valley Region (Regional Board) staff collected groundwater samples from selected domestic wells at residences located on Airport Way and Yosemite Avenue in Manteca. Sample analyses included bacteria, nitrate, and petroleum hydrocarbon constituents. The samples were submitted for analyses to California Laboratory Services in Rancho Cordova, CA, a State certified analytical laboratory. Sample results are enclosed with this letter.

If you have any questions, you can contact me at (916) 464-4615.

James L.L. Barton, P.G.  
Engineering Geologist

Enclosure(s)

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# CALIFORNIA LABORATORY SERVICES

12/26/07 09:19

CRWQCB - Sacramento  
11020 Sun Center Drive, Ste. 200  
Rancho Cordova, CA 95670-6114

Project: Manteca  
Project Number: 07-023-150-0  
Project Manager: Jim Barton

CLS Work Order #: CQL0455  
COC #: 74191,87

## Conventional Chemistry Parameters by APHA/EPA Methods

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
495 Before (CQL0455-01) Water Sampled: 12/11/07 09:40 Received: 12/11/07 15:05									
Nitrate as NO3	6.0	0.50	mg/L	1	CQ10171	12/12/07	12/12/07	EPA 300.0	
495 After (CQL0455-02) Water Sampled: 12/11/07 09:45 Received: 12/11/07 15:05									
Nitrate as NO3	2.5	0.50	mg/L	1	CQ10171	12/12/07	12/12/07	EPA 300.0	
17737 (CQL0455-03) Water Sampled: 12/11/07 10:38 Received: 12/11/07 15:05									
Nitrate as NO3	64	2.5	mg/L	5	CQ10171	12/12/07	12/17/07	EPA 300.0	HT-4
17793 (CQL0455-04) Water Sampled: 12/11/07 10:38 Received: 12/11/07 15:05									
Nitrate as NO3	28	0.50	mg/L	1	CQ10171	12/12/07	12/12/07	EPA 300.0	
18142 (CQL0455-05) Water Sampled: 12/11/07 11:45 Received: 12/11/07 15:05									
Nitrate as NO3	ND	0.50	mg/L	1	CQ10171	12/12/07	12/12/07	EPA 300.0	
18166 (CQL0455-06) Water Sampled: 12/11/07 11:50 Received: 12/11/07 15:05									
Nitrate as NO3	2.2	0.50	mg/L	1	CQ10171	12/12/07	12/12/07	EPA 300.0	
18202 (CQL0455-07) Water Sampled: 12/11/07 12:00 Received: 12/11/07 15:05									
Nitrate as NO3	92	2.5	mg/L	5	CQ10171	12/12/07	12/17/07	EPA 300.0	HT-4
17717 Before (CQL0455-08) Water Sampled: 12/11/07 11:20 Received: 12/11/07 15:05									
Nitrate as NO3	1.8	0.50	mg/L	1	CQ10171	12/12/07	12/12/07	EPA 300.0	
17717 After (CQL0455-09) Water Sampled: 12/11/07 11:25 Received: 12/11/07 15:05									
Nitrate as NO3	0.93	0.50	mg/L	1	CQ10171	12/12/07	12/12/07	EPA 300.0	
18113 (CQL0455-10) Water Sampled: 12/11/07 12:20 Received: 12/11/07 15:05									
Nitrate as NO3	5.6	0.50	mg/L	1	CQ10171	12/12/07	12/12/07	EPA 300.0	
2038-40 (CQL0455-11) Water Sampled: 12/11/07 12:20 Received: 12/11/07 15:05									
Nitrate as NO3	12	0.50	mg/L	1	CQ10171	12/12/07	12/12/07	EPA 300.0	

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# CALIFORNIA LABORATORY SERVICES

CRWQCB - Sacramento  
1020 Sun Center Drive, Ste. 200  
Rancho Cordova, CA 95670-6114

Project: Manteca  
Project Number: 07-023-150-0  
Project Manager: Jim Barton

CLS Work Order #: CQL0455

COC #: 74191,87

12/26/07 09:19

## Microbiological Parameters by APHA Standard Methods

Sample Type	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Before (CQL0455-01) Water Sampled: 12/11/07 09:40 Received: 12/11/07 15:05									
Coliforms	<1.0	1.0	MPN/100 mL	1	CQ10167	12/11/07	12/12/07	SM9223	
Coliforms	<1.0	1.0	"	"	"	"	"	"	
After (CQL0455-02) Water Sampled: 12/11/07 09:45 Received: 12/11/07 15:05									
Coliforms	<1.0	1.0	MPN/100 mL	1	CQ10167	12/11/07	12/12/07	SM9223	
Coliforms	<1.0	1.0	"	"	"	"	"	"	
(CQL0455-03) Water Sampled: 12/11/07 10:38 Received: 12/11/07 15:05									
Coliforms	>2419.6	1.0	MPN/100 mL	1	CQ10167	12/11/07	12/12/07	SM9223	
Coliforms	<1.0	1.0	"	"	"	"	"	"	
(CQL0455-04) Water Sampled: 12/11/07 10:38 Received: 12/11/07 15:05									
Coliforms	<1.0	1.0	MPN/100 mL	1	CQ10167	12/11/07	12/12/07	SM9223	
Coliforms	<1.0	1.0	"	"	"	"	"	"	
(CQL0455-05) Water Sampled: 12/11/07 11:45 Received: 12/11/07 15:05									
Coliforms	5.1	1.0	MPN/100 mL	1	CQ10167	12/11/07	12/12/07	SM9223	
Coliforms	<1.0	1.0	"	"	"	"	"	"	
(CQL0455-06) Water Sampled: 12/11/07 11:50 Received: 12/11/07 15:05									
Coliforms	<1.0	1.0	MPN/100 mL	1	CQ10167	12/11/07	12/12/07	SM9223	
Coliforms	<1.0	1.0	"	"	"	"	"	"	
(CQL0455-07) Water Sampled: 12/11/07 12:00 Received: 12/11/07 15:05									
Coliforms	<1.0	1.0	MPN/100 mL	1	CQ10167	12/11/07	12/12/07	SM9223	
Coliforms	<1.0	1.0	"	"	"	"	"	"	
Before (CQL0455-08) Water Sampled: 12/11/07 11:20 Received: 12/11/07 15:05									
Coliforms	<1.0	1.0	MPN/100 mL	1	CQ10167	12/11/07	12/12/07	SM9223	
Coliforms	<1.0	1.0	"	"	"	"	"	"	
After (CQL0455-09) Water Sampled: 12/11/07 11:25 Received: 12/11/07 15:05									
Coliforms	<1.0	1.0	MPN/100 mL	1	CQ10167	12/11/07	12/12/07	SM9223	
Coliforms	<1.0	1.0	"	"	"	"	"	"	
(CQL0455-10) Water Sampled: 12/11/07 12:20 Received: 12/11/07 15:05									

# CALIFORNIA LABORATORY SERVICES

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12/26/07 09:19

CRWQCB - Sacramento 11020 Sun Center Drive, Ste. 200 Rancho Cordova, CA 95670-6114	Project: Manteca Project Number: 07-023-150-0 Project Manager: Jim Barton	CLS Work Order #: CQL0455 COC #: 74191,87
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## Microbiological Parameters by APHA Standard Methods

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
8113 (CQL0455-10) Water Sampled: 12/11/07 12:20 Received: 12/11/07 15:05									
Total Coliforms	<1.0	1.0	MPN/100 mL	1	CQ10167	12/11/07	12/12/07	SM9223	
E. Coli	<1.0	1.0	"	"	"	"	"	"	
038-40 (CQL0455-11) Water Sampled: 12/11/07 12:20 Received: 12/11/07 15:05									
Total Coliforms	52.9	1.0	MPN/100 mL	1	CQ10167	12/11/07	12/12/07	SM9223	
E. Coli	1.0	1.0	"	"	"	"	"	"	

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# CALIFORNIA LABORATORY SERVICES

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CRWQCB - Sacramento  
11020 Sun Center Drive, Ste. 200  
Rancho Cordova, CA 95670-6114

Project: Manteca  
Project Number: 07-023-150-0  
Project Manager: Jim Barton

CLS Work Order #: CQL0415  
COC #: 74185,86,84

## Conventional Chemistry Parameters by APHA/EPA Methods

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
17950 - Before (CQL0415-01) Water Sampled: 12/10/07 10:40 Received: 12/10/07 15:20									
Nitrate as NO3	2.7	0.50	mg/L	1	CQ10129	12/11/07	12/11/07	EPA 300.0	
17950 - After (CQL0415-02) Water Sampled: 12/10/07 10:45 Received: 12/10/07 15:20									
Nitrate as NO3	0.62	0.50	mg/L	1	CQ10129	12/11/07	12/11/07	EPA 300.0	
17926-28 - Before (CQL0415-03) Water Sampled: 12/10/07 11:00 Received: 12/10/07 15:20									
Nitrate as NO3	ND	0.50	mg/L	1	CQ10129	12/11/07	12/11/07	EPA 300.0	
17926-28 - After (CQL0415-04) Water Sampled: 12/10/07 11:10 Received: 12/10/07 15:20									
Nitrate as NO3	ND	0.50	mg/L	1	CQ10129	12/11/07	12/11/07	EPA 300.0	
17933 - Before (CQL0415-05) Water Sampled: 12/10/07 11:36 Received: 12/10/07 15:20									
Nitrate as NO3	42	2.5	mg/L	5	CQ10129	12/11/07	12/12/07	EPA 300.0	HT-4
17933 - After (CQL0415-06) Water Sampled: 12/10/07 11:40 Received: 12/10/07 15:20									
Nitrate as NO3	42	0.50	mg/L	1	CQ10129	12/11/07	12/11/07	EPA 300.0	
2145 (CQL0415-07) Water Sampled: 12/10/07 12:15 Received: 12/10/07 15:20									
Nitrate as NO3	31	0.50	mg/L	1	CQ10129	12/11/07	12/11/07	EPA 300.0	
17911 - Before (CQL0415-08) Water Sampled: 12/10/07 12:06 Received: 12/10/07 15:20									
Nitrate as NO3	ND	0.50	mg/L	1	CQ10129	12/11/07	12/11/07	EPA 300.0	
17911 - After (CQL0415-09) Water Sampled: 12/10/07 12:10 Received: 12/10/07 15:20									
Nitrate as NO3	ND	0.50	mg/L	1	CQ10129	12/11/07	12/11/07	EPA 300.0	

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CRWQCB - Sacramento  
11020 Sun Center Drive, Ste. 200  
Rancho Cordova, CA 95670-6114

Project: Manteca  
Project Number: 07-023-150-0  
Project Manager: Jim Barton

CLS Work Order #: CQL0415  
COC #: 74185,86,84

## Conventional Chemistry Parameters by APHA/EPA Methods

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
17899 - Before (CQL0415-10) Water Sampled: 12/10/07 12:40 Received: 12/10/07 15:20									
Nitrate as NO3	0.86	0.50	mg/L	1	CQ10129	12/11/07	12/11/07	EPA 300.0	
17899 - After (CQL0415-11) Water Sampled: 12/10/07 12:45 Received: 12/10/07 15:20									
Nitrate as NO3	0.87	0.50	mg/L	1	CQ10129	12/11/07	12/11/07	EPA 300.0	
17883 - Before (CQL0415-12) Water Sampled: 12/10/07 13:15 Received: 12/10/07 15:20									
Nitrate as NO3	19	0.50	mg/L	1	CQ10129	12/11/07	12/11/07	EPA 300.0	
17883 - After (CQL0415-13) Water Sampled: 12/10/07 13:19 Received: 12/10/07 15:20									
Nitrate as NO3	14	0.50	mg/L	1	CQ10129	12/11/07	12/12/07	EPA 300.0	
17866 - Before (CQL0415-14) Water Sampled: 12/10/07 13:39 Received: 12/10/07 15:20									
Nitrate as NO3	1.1	0.50	mg/L	1	CQ10129	12/11/07	12/12/07	EPA 300.0	
17866 - After (CQL0415-15) Water Sampled: 12/10/07 13:43 Received: 12/10/07 15:20									
Nitrate as NO3	0.71	0.50	mg/L	1	CQ10129	12/11/07	12/12/07	EPA 300.0	

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# CALIFORNIA LABORATORY SERVICES

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CRWQCB - Sacramento 11020 Sun Center Drive, Ste. 200 Rancho Cordova, CA 95670-6114	Project: Manteca Project Number: 07-023-150-0 Project Manager: Jim Barton	CLS Work Order #: CQL0415 COC #: 74185,86,84
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## Microbiological Parameters by APHA Standard Methods

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
17950 - Before (CQL0415-01) Water Sampled: 12/10/07 10:40 Received: 12/10/07 15:20									
Total Coliforms	21.3	1.0MPN/100 mL	1		CQ10124	12/10/07	12/11/07	SM9223	
E. Coli	<1.0	1.0	"	"	"	"	"	"	
17950 - After (CQL0415-02) Water Sampled: 12/10/07 10:45 Received: 12/10/07 15:20									
Total Coliforms	3.0	1.0MPN/100 mL	1		CQ10124	12/10/07	12/11/07	SM9223	
E. Coli	<1.0	1.0	"	"	"	"	"	"	
17926-28 - Before (CQL0415-03) Water Sampled: 12/10/07 11:00 Received: 12/10/07 15:20									
Total Coliforms	<1.0	1.0MPN/100 mL	1		CQ10124	12/10/07	12/11/07	SM9223	
E. Coli	<1.0	1.0	"	"	"	"	"	"	
17926-28 - After (CQL0415-04) Water Sampled: 12/10/07 11:10 Received: 12/10/07 15:20									
Total Coliforms	<1.0	1.0MPN/100 mL	1		CQ10124	12/10/07	12/11/07	SM9223	
E. Coli	<1.0	1.0	"	"	"	"	"	"	
17933 - Before (CQL0415-05) Water Sampled: 12/10/07 11:36 Received: 12/10/07 15:20									
Total Coliforms	<1.0	1.0MPN/100 mL	1		CQ10124	12/10/07	12/11/07	SM9223	
E. Coli	<1.0	1.0	"	"	"	"	"	"	
17933 - After (CQL0415-06) Water Sampled: 12/10/07 11:40 Received: 12/10/07 15:20									
Total Coliforms	<1.0	1.0MPN/100 mL	1		CQ10124	12/10/07	12/11/07	SM9223	
E. Coli	<1.0	1.0	"	"	"	"	"	"	
2145 (CQL0415-07) Water Sampled: 12/10/07 12:15 Received: 12/10/07 15:20									
Total Coliforms	<1.0	1.0MPN/100 mL	1		CQ10124	12/10/07	12/11/07	SM9223	
E. Coli	<1.0	1.0	"	"	"	"	"	"	

CA DOHS ELAP Accreditation/Registration Number 1233



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# CALIFORNIA LABORATORY SERVICES

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12/24/07 11:37

CRWQCB - Sacramento  
11020 Sun Center Drive, Ste. 200  
Rancho Cordova, CA 95670-6114

Project: Manteca  
Project Number: 07-023-150-0  
Project Manager: Jim Barton

CLS Work Order #: CQL0415  
COC #: 74185,86,84

## Microbiological Parameters by APHA Standard Methods

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
17911 - Before (CQL0415-08) Water Sampled: 12/10/07 12:06 Received: 12/10/07 15:20									
Total Coliforms	<1.0	1.0MPN/100 mL	1	CQ10124	12/10/07	12/11/07	SM9223		
E. Coli	<1.0	1.0	"	"	"	"	"	"	
17911 - After (CQL0415-09) Water Sampled: 12/10/07 12:10 Received: 12/10/07 15:20									
Total Coliforms	<1.0	1.0MPN/100 mL	1	CQ10124	12/10/07	12/11/07	SM9223		
E. Coli	<1.0	1.0	"	"	"	"	"	"	
17899 - Before (CQL0415-10) Water Sampled: 12/10/07 12:40 Received: 12/10/07 15:20									
Total Coliforms	<1.0	1.0MPN/100 mL	1	CQ10124	12/10/07	12/11/07	SM9223		
E. Coli	<1.0	1.0	"	"	"	"	"	"	
17899 - After (CQL0415-11) Water Sampled: 12/10/07 12:45 Received: 12/10/07 15:20									
Total Coliforms	<1.0	1.0MPN/100 mL	1	CQ10124	12/10/07	12/11/07	SM9223		
E. Coli	<1.0	1.0	"	"	"	"	"	"	
17883 - Before (CQL0415-12) Water Sampled: 12/10/07 13:15 Received: 12/10/07 15:20									
Total Coliforms	<1.0	1.0MPN/100 mL	1	CQ10124	12/10/07	12/11/07	SM9223		
E. Coli	<1.0	1.0	"	"	"	"	"	"	
17883 - After (CQL0415-13) Water Sampled: 12/10/07 13:19 Received: 12/10/07 15:20									
Total Coliforms	<1.0	1.0MPN/100 mL	1	CQ10124	12/10/07	12/11/07	SM9223		
E. Coli	<1.0	1.0	"	"	"	"	"	"	
17866 - Before (CQL0415-14) Water Sampled: 12/10/07 13:39 Received: 12/10/07 15:20									
Total Coliforms	2.0	1.0MPN/100 mL	1	CQ10124	12/10/07	12/11/07	SM9223		
E. Coli	<1.0	1.0	"	"	"	"	"	"	

CA DOHS ELAP Accreditation/Registration Number 1233

3249 Fitzgerald Road Rancho Cordova, CA 95742

www.californialab.com

916-638-7301

Fax: 916-638-4510

C-8

## CALIFORNIA LABORATORY SERVICES

Page 10 of 34

12/24/07 11:37

CRWQCB - Sacramento  
11020 Sun Center Drive, Ste. 200  
Rancho Cordova, CA 95670-6114

Project: Manteca  
Project Number: 07-023-150-0  
Project Manager: Jim Barton

CLS Work Order #: CQL0415  
COC #: 74185,86,84

## Microbiological Parameters by APHA Standard Methods

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
17866 - After (CQL0415-15) Water    Sampled: 12/10/07 13:43    Received: 12/10/07 15:20									
Total Coliforms	<1.0	1.0MPN/100 mL	1		CQ10124	12/10/07	12/11/07	SM9223	
E. Coli	<1.0	1.0	"	"	"	"	"	"	

CA DOHS ELAP Accreditation/Registration Number 1233

# CALIFORNIA LABORATORY SERVICES

C-9

12/17/07 14:30

CRWQCB - Sacramento  
11020 Sun Center Drive, Ste. 200  
Rancho Cordova CA, 95670-6114

Project: Manteca  
Project Number: 07-023-150-0  
Project Manager: Jim Barton

CLS Work Order #: CQL0420  
COC #: 91104

## Conventional Chemistry Parameters by APHA/EPA Methods

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
17821 - Before (CQL0420-01) Water Sampled: 12/10/07 14:15 Received: 12/10/07 16:16									
Nitrate as NO3	4.7	0.50	mg/L	1	CQ10128	12/11/07	12/11/07	EPA 300.0	
17821 - After (CQL0420-02) Water Sampled: 12/10/07 14:15 Received: 12/10/07 16:16									
Nitrate as NO3	2.2	0.50	mg/L	1	CQ10128	12/11/07	12/11/07	EPA 300.0	
17850 (CQL0420-03) Water Sampled: 12/10/07 14:45 Received: 12/10/07 16:16									
Nitrate as NO3	1.8	0.50	mg/L	1	CQ10128	12/11/07	12/11/07	EPA 300.0	
17840 (CQL0420-04) Water Sampled: 12/10/07 14:50 Received: 12/10/07 16:16									
Nitrate as NO3	0.50	0.50	mg/L	1	CQ10128	12/11/07	12/11/07	EPA 300.0	

# CALIFORNIA LABORATORY SERVICES

C-10

CRWQCB - Sacramento  
11020 Sun Center Drive, Ste. 200  
Rancho Cordova CA, 95670-6114

Project: Manteca  
Project Number: 07-023-150-0  
Project Manager: Jim Barton

12/17/07 14:30  
CLS Work Order #: CQL0420  
COC #: 91104

## Microbiological Parameters by APHA Standard Methods

Sample	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
21 - Before (CQL0420-01) Water Sampled: 12/10/07 14:15 Received: 12/10/07 16:16									
Coliforms	<1.0	1.0	MPN/100 mL	1	CQ10124	12/10/07	12/11/07	SM9223	
E. coli	<1.0	1.0	"	"	"	"	"	"	
21 - After (CQL0420-02) Water Sampled: 12/10/07 14:15 Received: 12/10/07 16:16									
Coliforms	<1.0	1.0	MPN/100 mL	1	CQ10124	12/10/07	12/11/07	SM9223	
E. coli	<1.0	1.0	"	"	"	"	"	"	
0 (CQL0420-03) Water Sampled: 12/10/07 14:45 Received: 12/10/07 16:16									
Coliforms	23.3	1.0	MPN/100 mL	1	CQ10124	12/10/07	12/11/07	SM9223	
E. coli	<1.0	1.0	"	"	"	"	"	"	
0 (CQL0420-04) Water Sampled: 12/10/07 14:50 Received: 12/10/07 16:16									
Coliforms	<1.0	1.0	MPN/100 mL	1	CQ10124	12/10/07	12/11/07	SM9223	
E. coli	<1.0	1.0	"	"	"	"	"	"	

November 19, 2007

James Barton

Regional Water Quality Control Board, Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

RECEIVED  
SACRAMENTO  
CVRWOCB

08 SEP 26 AM 9:30

Dear Mr. Barton,

Prior to November 2006, the water wells that have been receiving treatment for MTBE had never been tested for bacteria. I personally had the wells tested by FGL for bacteria due to the lack of depth for the wells and claims by residents that their pets were expiring. The results from FGL showed bacteria in the water. FGL was worried that the carbon filters being used to filter MTBE would breed bacteria. I was then instructed to notify you, which I did.

On November 30, 2006, I notified Brian Newman by phone regarding the results. At that time he informed me that your office only tests for metals and not for anything else. I was concerned and had the wells tested yet again, before the water entered the carbon filter and after it had been filtered. In your February 5, 2007 letter you supplied me with results to your findings that were contradictory to those from FGL. Those results were illegible and the two subsequent copies requested were illegible as well. At this time, my legal counsel is requesting results from your findings on specific wells tested on November 28, 2006 and December 6, 2006. The specific well numbers are as follows:

17899(153)  
17933(137)  
17926(146)  
17883(177)

Once I receive legible results to your findings on the above referenced wells before filtration and after, I will then submit these results to my legal counsel, FGL and Aquascience.

The reason I'm pursuing this is for the safety of the people. Many of the wells that no longer have MTBE still have carbon filters, which in turn could be breeding bacteria. I appreciate your time and attention to this matter. I am attaching the failure results from FGL on the above referenced wells, with sample dates being November 28, 2006 and December 15, 2006. Thank you again and I look forward to receiving this information soon.

Sincerely,



Frank Guinta, Jr.

CC: Lori Okun  
David Boyers  
Ken Landau  
Pamela Creedon  
Brian Newman

D-1

December 6, 2006

STK0650225:1-4 COLIFORM BACTERIA ANALYSIS  
Customer ID : 3-12983

Frank's One Stop Food Mart

The samples listed below had failures for Total and/or Fecal Coliform as listed:

17926 Total Coliform - Failure, Fecal Coliform - Failure.


17883 Total Coliform - Failure.

17899 Total Coliform - Failure.

Treatment: Contact your Environmental Resources Agency/Department of Health Service for guidance on corrective action and measures to protect the health of the water users.

Analyses were performed using Standard Methods 20th edition. If you have any questions regarding your results, please call.

FGL ENVIRONMENTAL



Raquel R. Harvey  
Tech Director Microbiology

RRH:GMA  
cc:SJCEH

11/28/06  
First Test

D-2

January 3, 2007

Frank's One Stop Food Mart

STK0650753:11-14 COLIFORM BACTERIA ANALYSIS  
Customer ID : 3-12983

The samples listed below had failures for Total and/or Fecal Coliform as listed:  
17899(153) After filter Total Coliform - Failure, Total Coliform - Failure.  
17933(137) After filter Total Coliform - Failure, Total Coliform - Failure.

Treatment: Contact your Environmental Resources Agency/Department of Health Service for guidance on corrective action and measures to protect the health of the water users.

Analyses were performed using Standard Methods 20th edition. If you have any questions regarding your results, please call.

RRH:SB  
cc:SJCEH

Results From 12-15-06 Testing

For Bacteria After Filter

January 3, 2007

Frank's One Stop Food Mart

STK0650753.1-10 COLIFORM BACTERIA ANALYSIS  
Customer ID : 3-12983

The samples listed below had failures for Total and/or Fecal Coliform as listed:

17926(146) After filter Total Coliform - Failure, Total Coliform - Failure, Fecal Coliform - Failure, Fecal Coliform - Failure,  
17883(177) After filter Total Coliform - Failure, Total Coliform - Failure.

Treatment: Contact your Environmental Resources Agency/Department of Health Service for guidance on corrective action and measures to protect the health of the water users.

Analyses were performed using Standard Methods 20th edition. If you have any questions regarding your results, please call.

RRH:SB  
cc:SJCEH

*Results from 12-15-06 Sampling  
for Bacteria After Filter*



March 2, 2007

RECEIVED  
SACRAMENTO  
CYR/OCB  
E-1

Brian Newman

Regional Water Quality Control Board, Central Valley Region SEP 26 AM 9:30  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670-6114

Dear Mr. Newman,

It was approximately six years ago when during clean up efforts we realized that some of the residential water wells were testing positive for MTBE. At this time and several times since then, I mentioned the shallow depth of these wells and their condition couldn't be a safe atmosphere for well water. One of the wells was an open hole in the ground with a pipe in it, not to mention many of the wells were only 40-60 feet in depth. My Consultant at the time, Don Thompson and I even suggested that we drill new, safer wells for the residents. The County Water Board said, "Drilling new wells was not an option." At my own expense I have had four of the wells tested in November of 2006. Knowing the concerns that I've had and the condition of the wells, I was surprised that the wells have not been thoroughly examined for bacteria and safety in drinking.

I had a sampling of four wells taken by FGL Environmental in November 2006. The Lab called me alarmed by bacteria found in the water. Specifically Total Coliform and Fecal Coliform failure in three out of four wells. In a conversation with you on November 30, 2006, I informed you of the Laboratories findings. In the same conversation, you stated that you had only been testing for metals and not anything else. I forwarded this information to you by fax on December 1. At a later date, Dave Allen from Aqua Science mentioned that you had informed him the test results I had received from FGL on November 28, 2006 were incorrect. At this time, I have not received any test results from you indicating that the tests that I had taken were inaccurate. I know that your main concern has been MTBE and while it is important, I feel it is equally important to make sure that there are not bacteria in the wells.

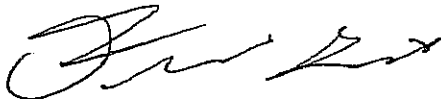
Therefore, I wanted to verify the Labs inaccuracy, so I had yet another sampling taken of ten wells on December 15, 2006. This time they tested before the water entered the filter and after the water had been filtered. I am not surprised that the wells sampled failed again for bacteria, specifically Total Coliform. I am enclosing the results from this most recent sampling. These results indicate that some of the wells are actually contaminated worse after the filtration process. Mike from FGL Environmental and Dave from Aqua Science informed me that the carbon filters used to filter out MTBE actually breeds bacteria if it is present in the water. I would hope that now knowing this information you would discontinue the use of carbon filters on wells where filters are not needed and

correct the problem with the filters on the three wells that are out of compliance for MTBE.

F-2

I am sharing this information with you out of concern for the residents. Bacteria present in the water is not anything I am responsible for, yet I feel it is my duty to let you know for the safety of these families. I will continue to do my part in working towards the completion of the Clean Up Order. Thank you for your attention to this matter.

Sincerely,



Frank Guinta

Cc: James Barton; Robert Busby; Pamela Creedon; and Kenneth D. Landau;  
**Regional Water Quality Control Board, Central Valley Region, 11020 Sun Center Drive, #200, Rancho Cordova, CA 95670**

David Boyers; Therese Barakatt, Judy Reid; and Frances McChesney, Esq.; **State Water Resources Board, 1001 I Street, Sacramento, CA, 95812**

Margaret Lagorio ; and Laurie Cotulla; **San Joaquin County Environmental Health Department, 304 E. Weber Avenue, Stockton, CA, 95202**

A.K. Jain; **Department of General Services, 707 Third Street, Suite 4, West Sacramento, CA, 95605**

November 27, 2007

RECEIVED  
SACRAMENTO  
CVRWQCB

G-1

00 SEP 26 AM 9:30

James Barton  
Regional Water Quality Control Board, Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

Dear Mr. Barton,

I have received the third quarter test results for the off site water wells. State standards require the MTBE level to be a maximum of 13 parts per billion (ppb) for health and a maximum of 5 ppb for taste. These results from URS show that only four wells are out of compliance before filtration and all of the wells are in compliance after filtration. Three of the four wells are out of compliance for health and taste, while one is only out of compliance for taste. With this information and the results from the bacteria testing done by FGL, it would seem that removing the carbon filters from all of the wells except the three still in question would be the right course of action. If the wells are within normal compliance levels for health and taste before filtration, but are still being treated by a carbon filter which could actually breed bacteria, this defeats the purpose of providing healthy drinking water to those residents. I have attached the third quarter results from URS. I appreciate all of your time and attention to this matter.

Sincerely,

Frank Guinta, Jr.



CC: Lori Okun  
David Boyers  
Ken Landau  
Pamela Creedon  
Brian Newman

WIDE DETOUR FILTER RESULTS				62
	Well #	DATE	MTBE	Wells With Filters
	495	11-28-06	<0.5>	F
	17717	11-28-06	2.4	F
	17737	11-28-06	<0.5>	
	17793	11-28-06	<0.5>	
	17821	6-25-07	38*	F
	17840	11-28-06	<0.5>	
	17850	11-28-06	<0.5>	
	17883	11-28-06	<0.5>	F
	17886	11-28-06	1	F
	17899	6-25-07	0.9	F
	17904	12-20-05	<0.5>	F
	17911	9-24-07	2.1	F
	17926	6-25-07	16 *	F
EAST WELL	17933	Well Destroyed on 6-1-01		EAST WELL
EAST WELL	17933	9-24-07	9.1x Taste only	F
	17950	9-24-07	15 *	F
	17971	11-28-06	0.85	
	18097	11-28-06	<0.5>	
	18113	11-28-06	<0.5>	
	18142	6-25-07	<0.5>	F

MTBE Before Filter Results <span style="float: right;">G-3</span>			
Well #	DATE	MTBE	Wells with Filters
18166	6-25-07	<0.57	F
18202	12-2-04	0.53	F
	9-24-07	<0.57	

G-4

Please note that the wells listed below have filters on them and have never been above the legal limit of MTBE.

Well # 18142

Never any MTBE out of legal limits.

Tested:

12-02-2004 0.57

09-24-2007 <0.5>

Well # 18166

Never any MTBE at all

Tested:

09-24-2007 <0.5>

Well # 18202

Never any MTBE out of legal limits.

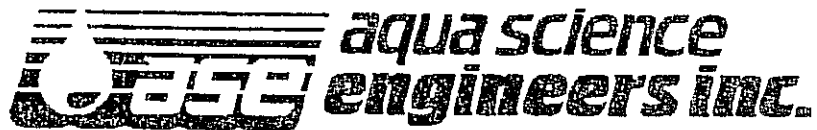
Tested:

12-02-2004 0.53

09-24-2007 <0.5>

The reason why I'm stating these above examples in my opinion is that much money has been spent unnecessarily on this project and that is why the state fund money has run out before the project has been completed.

My goal has always been to provide healthy water to the community that has contaminated wells.



H-1

November 5, 2004

Mr. James Barton  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

SUBJECT: Frank's One Stop  
2072 West Yosemite Avenue  
Manteca, CA 95337

Dear Mr. Barton:

This letter is being sent to you to update you on the status of environmental activities at the above-referenced site. We met with Frank and John Guinta on November 1, 2004 to discuss this case and find out their situation for funding further work at the site.

The Guinta's are having a difficult time finding any form of funding to continue on-going investigation and remediation for the site. They believe that the best chance to obtain the necessary funds is to be able to sell the property to the current operator at the site. However, the current operator at the site has not been able to secure a loan due to the current environmental case. To go along with your letter of September 1, 2004, it may be helpful for a buyer if a comfort letter could be written holding the buyer and the buyer's lenders harmless for any hydrocarbons that may exist on the property prior to the completion of the sale. The Guintas, of course, would retain liability for the off-site contamination and on-going monitoring in this case. The Guinta's believed that they could scrape together the money needed to continue the groundwater monitoring and off-site treatment system maintenance through at least the next quarter.

Regarding the off-site assessment to the north, it is our understanding that a water-line is to be installed up Airport Blvd during the next 12 to 16 months. The availability of city water to all of the residence that are or could be impacted downgradient of the site should make the investigation to the north of less importance. Since (a) MTBE concentrations in the most impacted domestic wells have been decreasing, (b) wellhead

H-2

treatment systems are already in-place and being maintained in all impacted residences, (c) a water-line will soon be installed making further use of domestic wells unnecessary, (d) the MTBE concentrations detected off-site are too low to allow for effective remediation, and (e) the funds to complete an off-site investigation to the north are simply not available, the investigation off-site to the north does not appear to be practical or necessary. ASE requests that the directive for this off-site investigation be reconsidered.

ASE will also make a recommendation to modify the quarterly monitoring program in the next quarterly monitoring report.

If you have any other question questions or concerns, please contact either Robert Kitay or David Allen of ASE at (925) 820-9391.

Respectfully submitted,

AQUA SCIENCE ENGINEERS, INC.

*Robert E. Kitay*

Robert E. Kitay, R.G., R.E.A.  
Senior Geologist



cc: Margaret Lagorio, San Joaquin County, PHS-EHD  
Frank Guinta